

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

SAMUEL KIMBRIL,)	CASE NO: 8:23CV_____
)	
Plaintiff,)	
)	
vs.)	NOTICE OF REMOVAL
)	AND
)	DEMAND FOR JURY TRIAL
CITY OF OMAHA, a Nebraska)	
Political Subdivision,)	
CHRISTOPHER GRAY,)	
An Individual,)	
)	
Defendants.)	

COMES NOW City of Omaha, a Nebraska Political Subdivision, and Christopher Ray, Defendants in the above-entitled action, and remove this action to this United States District Court for the District of Nebraska upon the following showing:

1. On September 6, 2023, the Plaintiff filed a complaint in an action entitled Samuel Kimbril vs City of Omaha, a Nebraska Political Subdivision, Christopher Gray, an Individual, identified as Case No. CI 23-7124, in Douglas County District Court in the state of Nebraska, where it is presently pending. A true and accurate copy of Complaint is attached hereto as Exhibit 1. The Complaint asserts that the captioned Defendants' conduct deprived Plaintiff of his federal constitutional rights and that Plaintiff seeks recovery under 42 U.S.C. § 1983 and asserted state claims.

2. The Plaintiff caused the Clerk of the District Court of Douglas County to issue summonses on the captioned Defendants or about September 6, 2023. True and accurate copies of all summonses issued and service returns are attached hereto as Exhibit 2. The summonses

were served on the individual Defendants, with the City of Omaha being served on September 11, 2023, and Christopher Ray being served on September 13, 2023. The summonses contained a copy of the Plaintiff's Complaint. The Complaint received by the Defendants is the first pleading from which it can be ascertained that the case is removable.

3. The summonses and Complaint provide Defendants thirty (30) days from the date of service to respond. The Defendant served on September 11, 2023, has until October 11, 2023, to Answer. The Defendant served on September 13, 2023 has until October 13, 2023 to Answer. In accordance with 28 U.S.C. § 1446(b)(2)(C), all Defendants have until October 13, 2023 to remove or consent to the removal of the case.

6. The Complaint in the pending action presents a claim arising under the United States Constitution, treaties, or laws of the United States and is removable from the State court in accordance with 28 U.S.C. § 1441(a).

7. All Defendants named in the Complaint join in and consent to this Removal.

8. Service of process was made and/or the Complaint was received by all named Defendants on or about either September 11, 2023 or September 13, 2023. This removal action is filed within thirty days after any named Defendant first received or was served with the Complaint, and within 30 days after it could be ascertained that the case is removable.

9. Pursuant to 28 U.S.C. § 1331 this Court has original jurisdiction of the claim filed by Plaintiff in the District Court of Douglas County, Nebraska, and the action may, therefore, be removed to this Court pursuant to 28 U.S.C. § 1441.

WHEREFORE, the named Defendants pray that the above entitled action be removed from the District Court of Douglas County, Nebraska to this Court.

DEMAND FOR JURY TRIAL

Defendants respectfully request a jury trial in Omaha, Nebraska.

THE CITY OF OMAHA & CHRISTOPHER
RAY, Defendants.

By: s/ David J. Grauman
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Attorney for the listed Defendants

CERTIFICATE OF SERVICE

I hereby certify that on 10 day of October, 2023, I filed the foregoing **NOTICE TO REMOVE** with the Clerk of the Court using the CM/ECF system, and I sent notification of such filing by first class mail, postage prepaid, addressed to:

Michael F. Polk #21526
Watke, Polk, & Sena, LLP
2712 S. 87th Ave.
Omaha, NE 68124

s/ David J. Grauman